

## REMARKS

Claims 1-51 are in the application but non-elected claims 28-51 have been cancelled. No new claims are being added.

### Objections

The objection to the application Title is believed overcome by the amendment made herein. The amended title is an outline of claim 1.

The drawings are objected to on the grounds that the relationship of Figure 14 to the invention is not disclosed, the blocks of Figure 16 are not labeled and referenced in the application specification and the blocks 791 and 763 (apparently Figure 15) are not described. These objections are respectfully traversed, for the following reasons:

Figure 14 is described on page 24 of the specification, in the paragraph between lines 15 and 29. The term "Babyface" refers to a particular musical selection example, and processing of right and left channel signals is described.

Figure 16 is described beginning at line 3 of page 36 of the specification, and extending through line 8 of page 37. This description includes reference numbers that appear on Figure 16.

Examples of the forcing function generator 791 and degradation generator 763 of Figure 15 are given in the paragraph bridging pages 26 and 27 of the specification, the forcing function generator 791 described to include filters of Figure 11 and the degradation generator 763 an inverter of Figure 11. The functions of these generators are also included in this paragraph.

The specification is objected to on the ground that the statements on pages 42-43 regarding application to "Video and Other Applications" are considered to be statements of desired results. This objection is also respectfully traversed. No ground for objection to a description of "desired results" has been given and none can be envisioned.

**Claim Rejections Under 35 U.S.C. §112**

The primary basis for the rejection of claims 1-27 under 35 U.S.C. §112, first paragraph, is believed to have been overcome by limiting all the claims remaining in this application to the processing of audio signals.

Reconsideration of the rejection of claim 11 is requested. The title of the application has now been amended to be the more general "Modifying Audio Signals . . .," which includes the technique of Figure 11. It is submitted to be proper to pursue in one application techniques to adding noise (other claims) and removing a component (claim 11). It is respectfully submitted that there is no basis for requiring the application to be restricted to only one of these approaches.

With regard to the rejection of claims 8-10 on the basis that an alternate or second type of compression is not taught in the specification, it should be noted that these claims are directed to "modifying the audio signal" in a manner that invokes a particular response from the compression process. This does not require modifying the compression process, so disclosure of such a modification is not necessary.

Although the rejection of claims 25-27 is similarly believed to not be well taken, claims 25 and 26 are being cancelled and claim 27 amended, without prejudice to pursue them later, in order to advance the prosecution of the present application.

**Claim Rejections Under 35 U.S.C. §103**

Claims 1-10 and 12-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,719,937 to Warren et al. ("Warren"). Reconsideration of remaining claims 1, 3-10, 12-14, 16-19, 21-24 and 27 of this group is respectfully requested in light of amendments made to the claims and these remarks.

Independent claim 1 has been amended to recite that the audio signal is modified in a minimally perceptible manner until the signal is compressed and decompressed. Compression of the modified signal then causes the resulting decompressed signal to be degraded. The cited Warren patent, on the other hand, does not suggest that compression causes its modified signal to be degraded. The signal is modified in the Warren patent in a manner that repeated copying of the signal causes its degradation. Claim 1, on the other hand, recites that the signal is modified

in a way that results in its subsequent compression causing the resulting decompressed signal to have a perceptibly reduced quality. This novelty is respectfully submitted to clearly be set forth in claim 1 as now amended. No other reference has been cited to render this novelty obvious.

Independent claim 19 recites that a compression process is modified to result in a perceptible change in a signal that is subjected to a subsequent compression and decompression. This is respectfully submitted to be novel over the cited Warren patent. The claimed use of a compression process to degrade a signal in an imperceptible way until it is again compressed and decompressed, after which it is perceptibly degraded, is not suggested by the Warren patent. No other reference is cited as evidence that this novelty would have been obvious. Reconsideration of the rejection of claim 19 is therefore requested.

As pointed out in the Office Action, the cited Warren patent does describe compression and decompression of its signals. Its signal modification techniques may be applied to either an uncompressed or a compressed signal. But the modification is such that the signal degradation results from repeated copying of the signal, whether in a compressed or uncompressed form. The summary conclusion that the Warren patent would have made it obvious to "degrade the signal as it is compressed and decompressed" (Office Action, p.7, lns. 8-15) is respectfully traversed. This conclusion appears to be based on evidence for which Official Notice has improperly been taken since the Warren patent clearly does not suggest it, and no secondary reference has been cited. No suggestion has been found in the Warren patent to modify the signal in a manner that its compression then causes the degradation. The Warren patent, on the other hand, is clear that although its signals may be compressed and decompressed, it is the repeated copying of the modified signal that causes it to be degraded, not the compression itself.

Although other novel features are recited in claims dependent upon independent claims 1 and 19, it is believed sufficient to rely upon the patentability of claims 1 and 19 for their patentability.

#### **Information Disclosure Statement**

Enclosed with this response is a Supplemental Information Disclosure Statement, which recites the crossed out references from the Information Disclosure Statement filed on March 21, 2002. The foreign references, including the corresponding published International application

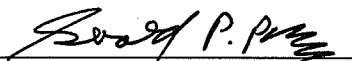
and its search report, and other non-patent literature are also enclosed. It is respectfully requested that these references be considered and that the PTO Form 1449 be initialed and returned with the next Action.

**Conclusion**

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned attorney at 415-318-1163 would be appreciated.

**FILED VIA EFS**

Respectfully submitted,



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August 3, 2006  
Date

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